



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

PROPORTIONAL REPRESENTATION AND THE DEBATES UPON THE ELECTORAL QUES- TION IN BELGIUM.

I.

By law of December 29, 1899, Belgium has adopted the system of proportional representation for the election of members of the two legislative chambers. Since 1895 the system is in use in municipal elections (Communal Councils) in case no party succeeds in obtaining at the first election an absolute majority of the votes cast. But now for the first time proportional representation will be tested by a European state for all its deliberative bodies. England has indeed adopted, in some instances, minority representation on various boards but only in a small number of districts. In the Swiss Cantons, where proportional representation prevails, both population and territory are very restricted, while the Confederation continues under the majority regime.

The Belgian experiment is interesting from two points of view. In the first place it will be permitted to the patriotism of the author, to assert that the evolution of political institutions in little Belgium is not indifferent to the large countries of an advanced civilization. Situated on the frontier of Germany and of France, and separated by only three hours at sea from England, Belgium has had for centuries the privilege of participating in the civilization of its powerful neighbors. If it be true that it has been subject particularly to the influence of France, especially in the first half of this century, largely through the common language of the ruling classes, it is not less true that it has Germanic traits deeply rooted in its character, and that it has borrowed from England, better, perhaps, than many other continental peoples, the practice of liberty, at the same time that it has followed England very closely in her

economic development. In consequence, and with due regard to the special circumstances affecting Belgium—for instance, its narrow territorial limits and its permanent neutrality—the causes which have modified Belgian institutions are also at work in the larger states which surround her, but the effects are here sometimes more visible: the evolution is, in certain lines, more rapid. Thus industry on a large scale, coming from England, early assumed here a development which was only attained later in France and especially in Germany; the transition from the agricultural to the industrial state was accomplished in a very brief space of time. Such is likewise the case with the formation of an industrial proletariat and the development of socialism. Nowhere in Europe is the labor party (collectivist) stronger and more solidly organized, and nowhere has it more chances and less obstacles before it to gain control. This is why it is not infrequent to hear it said in Germany that from a social point of view Belgium is the “laboratory rabbit” in which attentive observers may examine the various phases of the future evolution of the large states. Perhaps this may be applicable also to proportional representation. Certainly the parliamentary system calls for reform in all countries. It has not shown itself to be, as was generally believed at the middle of this century, the final mode of political organization, and at the moment when so many countries discuss the difficulties which it engenders, Belgium is seeking to strengthen it by perfecting it.

In the second place, the circumstances which have led to this important reform are themselves instructive for political philosophy. Can there be in fact anything more astonishing than to see a government, controlling in the two chambers an enormous majority, confronted by several opposition parties, none of which might hope single-handed to gain power to prevent profound disruption in its own party, pass an electoral law whose first effect will be to

reduce its majority by more than one-third? Whatever may be the ideal justice of such a measure, whatever the sincerity and the love of equity which its authors profess, one can hardly conceive that the party leaders should take such responsibilities without imperious motives. It is necessary, in the case of the Belgian Catholic party, to examine its motives in order to explain the vote upon the new law.

II.

No account of the electoral debates of the past year in Belgium would be comprehensible if detached from the history of the political régime in the preceding years. The constitution of 1831 attached the suffrage to the payment of taxes; to be entitled to vote, a citizen should pay the state in direct taxes a sum to be fixed by the electoral law, but which should not be less than 20 florins (42*fr.* 32*c.*, approximately \$8.46). The tax requirement first enacted was differential, being fixed at varying sums, according to the population of the localities. In the small cities and in the country, it was necessary to pay less taxes than in the large cities to acquire the right of suffrage—a premature application of the theory of subjective value.

As to the method of election, the constitution prescribed that it should be direct; that it should take place by administrative districts (*arrondissement*) and that the number of seats to be given to each district should not exceed the proportion of one for every 40,000 inhabitants. It was, therefore, the election of a varying number of persons in each district (*scrutin de liste*). At that time, it should be noted, there was no question of political parties. All shades of opinion were united in the patriotic sentiment against the foreigners. The electoral districts coincided, for obvious reasons of simplicity, with the administrative divisions of the provinces. By making the number of seats of each correspond to its population, it was

thought to establish the most just equality. There was, moreover, at the outset, one district electing seven representatives, one electing six, two with four deputies, and the rest with one to three.

The first important modification of the original electoral system took place in 1848. Belgium felt the shock of the events which convulsed France, and some agitation arose among the masses of the people in the cities. The Liberal party had, in 1846, been organized and had formulated its program. The wisdom of King Leopold I. led him to spare a revolution in not opposing, like his father-in-law, Louis Philippe of France, an obstinate resistance to the popular spirit. An electoral law diminished the tax requirement uniformly for all the country to the minimum established by the constitution. To have gone further would have been impossible without revision of the constitution, which could only be effected by a majority of two-thirds in each of the two chambers. There were none, moreover, among the leaders of the Liberal party to demand the establishment of universal suffrage recently proclaimed in France. The new electoral system favored the Liberal party, which rested upon the support of the well-to-do classes in the cities and in the manufacturing regions. Led by a statesman who would have acquitted himself with credit in a larger sphere of action, M. Frère-Orban, the party remained in power from 1857 to 1870. Free trade, which was enacted in 1862, gave a tremendous stimulus to industry and commerce, thus increasing the population in the industrial districts where the Liberals had the majority, and also increasing the well-to-do *bourgeoisie* class of the cities. The Catholic ministry, which was at the head of affairs from 1870 to 1878, was in the words of its chief, "content simply to exist," and passed over the reins of government anew to M. Frère-Orban from 1878 to 1884.

During all this time the fundamental basis of the suffrage law remained by necessity immutable, as no majority was

strong enough to dream of undertaking a revision of the constitution. On the other hand, the conflicts of the two large parties became more and more acute. As a change of a few votes in a district sufficed to capture from eight to ten parliamentary seats, on which depended the fate of the government and of the party, the electoral body was the object of such cabals and intrigues, as few countries and few periods have furnished a parallel. There were divisions where every candidate made a personal visit to all of the voters. The pressure of influences both legitimate and illegitimate was exercised in a shameful fashion. The organization of committees and of political associations was marvelous. The efforts and resources of an extraordinary intelligence were spent in tricks and in frauds.

Before each important election, laws were enacted to assure the independence and the secrecy of the ballot, which became increasingly rigorous. Thus, in 1877, a law provided that the ballots should not be printed nor written by the voter; since that time in each voting place the voter receives an official ballot on which he marks with a pencil a point left blank within a black square. The vote is prepared in each voting place behind wooden screens which isolate the voter. Thus no external mark indicates the origin of the ballot.

III.

The fall of the Liberal ministry (1884) had been brought about among other things by dissensions which arose in the midst of the party by the extremists who demanded an extension of the right of suffrage. When the Conservative party entered into power in 1884, the electoral question had already been raised. But very soon another factor arose to modify considerably the respective positions of the two parties, which up to that time had contended for power: in 1885 the Labor party was founded, which soon united in its labor leagues spread throughout the industrial district,

and around the powerful co-operative bakeries like the Vooruit of Ghent, growing numbers of the workingmen.

In 1886, strikes accompanied by rioting and incendiarism, and necessitating the intervention of armed force, contributed to bring the social question to the attention of the politicians. The chief of the Catholic Cabinet, M. Beernaert, proposed, at that time, a certain number of laws regulating industrial enterprises which, though very moderate in their scope, are important because they opened the era of labor legislation in Belgium. One will readily understand that these concessions became less and less efficacious as the influence of the Labor party increased. Supporting and even exceeding the demands of the advanced Liberal party, they demanded universal suffrage. It was evident that a day would come when Belgium could no longer maintain the restriction of the electoral privilege to 115,000 citizens.

As the Catholic majority was reinforced at each election, as internal dissensions and the advice of the new Labor party rendered the return of the Liberal party to power improbable, M. Beernaert resolved to bring about a profound reform of the suffrage system before the masses should extort it by force. He had the chambers declare that revision of the constitution was necessary. This declaration involved the dissolution of the two chambers. In those which were elected in 1892, the Catholics lacked a few votes only to have, unsupported, the majority of two-thirds necessary to adopt the new articles. It was necessary, therefore, at whatever price, to gain some Liberal votes for the plans of the government. The revision was laborious. At first the government proposed a voting system based upon the occupation of a dwelling of a certain value, which was very low, and somewhat akin to the English suffrage, but which failed to receive either on the Right or on the Left a sufficient support. After many experiments, an agreement was reached between the majority

of the Right and the advanced section of the Left, on a rule proposed by M. Nyssens, a Catholic deputy, who became later Minister of Industry and of Labor. That rule was the plural vote.

Every Belgian of twenty-five years of age has the right to vote without condition of taxation, property, or education. In thus far the system is universal suffrage, but to moderate it, it is provided that certain classes of the citizens should possess one or two supplementary votes. One supplementary vote is given to those, who, being thirty-five years of age, are married (or widowers having legitimate descendants), and paying to the state at least five francs taxes, and to those who, being twenty-five years of age, are the proprietors of a small real or personal property. Two supplementary votes are given to citizens who, being twenty-five years of age, have received the diplomas of superior instruction or fulfill a public office or a private profession, which implies an education corresponding to that which is given in the institutions of secondary education. Thus the fathers of families, proprietors, educated classes and officials have their electoral power doubled or tripled. The plural vote of Belgium attempts, therefore, to grade the electoral influence of each citizen according to the interest which he has in the maintenance of order.

At the same time the right of suffrage was raised to the height of a veritable function: the constitution rendered it obligatory with the threat of penalties, which are light enough, but which have in fact shown themselves to be effective. Thus the electoral body passed rapidly from a restricted tax-paying basis to a general plural vote. From the 116,000 voters of which it was composed in 1892, it passed in 1894 to nearly 1,200,000, casting in all 1,800,000 votes. This reform attained its end in so far as the popular agitation ceased for several years.

IV.

The first effect of the revision of the constitution was the annihilation from the parliamentary point of view of the Liberal party. In the chambers elected in 1894, as in 1896 and 1898, the great party of M. Frère-Orban was reduced to almost nothing. In the senate alone a group of twenty Liberals, counting among them able leaders, defended with Liberal opinions with much ability, but with little practical effect—the higher chamber where the Catholic majority is, moreover, always more docile and more homogeneous, not having the habit of modifying laws which have been voted by the chamber of representatives. In the latter, the six or eight representatives who called themselves Liberals belonged almost exclusively to the advanced group, which in many districts had made alliances with the Labor party, so that the opposition was in reality conducted by the socialists.

The second effect of the revision was the success of the Labor party and the entrance of the socialists into parliament. Conducted by able chiefs, such as M. Emile Vandervelde, they were able to make from the tribune of the parliament the most active and effective propaganda in favor of their ideas. Each partial election (1896-1898) has demonstrated the solidification of their position in the industrial regions. One can readily conceive that the opposition of thirty Labor representatives no longer had the same character as that of the Liberal industrialists of former days. To begin with, the centre of activity was displaced at the same time as the interests represented. The social question in all its forms and on all occasions took the front rank. Finally the tone and attitude of the speakers was very different—more frequent violence of language, more brutal interruptions, and a coarser eloquence characterized the sessions.

Though more violent, the opposition was not, however,

any more effective, for the Catholic majority obtained two-thirds of the votes, a formidable proportion which had not been acquired in many years by any party in Belgium. But this numerical force itself ended in weakness. Since the revision, contradictory tendencies appeared which have since become more and more acute. The Christian-Democratic party was founded, which in many points was at variance with the government and in agreement with the socialists. A certain number of Catholics, relying upon the encyclical of Pope Leo XIII. *Rerum novarum*, considered it essential to the salvation of their party to have greater contact with the laboring classes and not to leave to the socialists the monopoly of the defence of the weak. They have borrowed their methods from the Labor party, have founded co-operative societies and trade unions. Of necessity, they have given voice to demands which find no approbation among the conservatives, the large land-holders and industrialists who form the bulk of the government majority.

The third effect of the revision was to bring before the parliament the question of proportional representation, and to divide the Catholic majority on that question. It had long been a question for discussion in Belgium. An association founded in 1871, of which M. Emile de Laveleye had been a member, had devoted itself in an academic way to the representation of minorities. After many debates and many experiments, it had contrived to bring about an agreement among its adherents on an ingenuous and simple formula of a professor of the University of Ghent, M. V. d'Hondt, whose program consisted in three points; to assure, so far as possible, and beyond all party spirit, *the power to the real majority of the country, the supervision to the minorities, and exact representation of all serious groups in the electoral body*. Little by little a large number of political leaders of all parties subscribed to this motto, among them M. Beernaert. During the debates on the

constitutional revision he had already announced his intention to prepare the way for proportional representation. The revision being accepted, it was necessary to make the electoral law which would determine the mode of voting. The government proposed proportional representation. We may be permitted to believe, without diminishing in the slightest the sincerity of the sentiments of justice which is at the base of proportional representation, that M. Beernaert had at that time a very clear idea that it was the best means of assuring power to the Catholic opinions for a long number of years. As a sagacious statesman he knew that the largest majorities are not the most solid. The proposal of M. Beernaert was attacked with such vigor by an important group of his own party, that he deemed it incompatible with his dignity to remain in power and resigned his office (1894). The majority system, therefore, remained in force for the legislative election.

But in the following year the question arose of bringing the election of Communal Council in harmony with the new reforms, introduced by the constitution, the adherents of proportional representation succeeded in having accepted, as an experiment, a partial application of the system—all to the advantage of the Catholic party. It consists in this, that when a party does not obtain an absolute majority of votes, the seats are distributed among all the parties proportionately to the respective number of their votes. This application of proportional representation, fragmentary as it was, has had the greatest importance. It has accustomed the public to see in actual operation a system which it had considered so complicated. It has also shown under what conditions it can operate with success. Many of the provisions of the Communal electoral law have not been incorporated in the new legislative electoral law (thus the provision in regard to the *quorum*)¹ because experience has

¹ A provision that unless a party cast a prescribed fraction of the total vote, its ballots should be disregarded in distributing the seats.

shown their disadvantages. It has, moreover, familiarized public opinion with the idea that it is right that each party should be represented in the deliberating body, and that the absence of a numerous majority, obedient in all points to the direction of the executive power, is not in itself an obstacle to a good administration. Without doubt the government of the large cities—where the three parties form each about one-third of the Communal Council—is not so easy as formerly, but all of its actions are supervised and scrutinized by minorities with which one has to reckon—of which the public at least has nothing to complain.

V.

It was to be foreseen that sooner or later this reform should pass from the local to the legislative elections. At the elections of 1896 and 1898, however, it was not an issue, but one after another all parties inscribed the reform upon their program. The Progressist party led the van, and the first proposition in parliament in this sense came from them. The moderate Liberal party, where it encountered obstinate adversaries, finished by accepting it on the insistence of the Flemish Liberals, who saw in it a means of reanimating the political life in Flanders, where the hope of victory was completely lost under the majority system. A number of conservative Catholic associations had voted resolutions in its favor. The Democratic-Christian party was even more ardent in its favor; for to this group it offered the possibility of a separate and independent political life. The Labor party finally, although demanding in the first place universal suffrage pure and simple (that is to say, the equality of all voters and the abolition of the plural votes), had left its members free to vote for proportional representation, as a demand of justice, although a certain number of socialistic deputies were entirely hostile to it.

However, the electoral reform remained in the domain of possibilities rather than of necessities, especially in the

eyes of the Catholic party. Two circumstances brought it to the first place in the concerns of the majority: on the one hand, the alliance of the electoral forces of the Liberal and Socialist opposition; on the other hand, the outlook for the election of 1900 in the districts with a very considerable population, among others that of Brussels, that is, those which controlled a large number of seats.

Since 1894 one frequently heard that the Liberal party had definitely disappeared. The fact is that it no longer contrived to elect, at least in the chamber of deputies, a delegation proportional to the number of its members in the country. That number, however, was not to be neglected: in the elections of 1896 and 1898 it was 385,000 votes to a total of 1,800,000. How could this disproportion be explained? By the simple play of the majority rule. In the greater part of the districts, where formerly the Liberal party contended with the Clericals for the victory, it finds itself at present opposed by two adversaries, the Catholic party and the Socialists, equally distant from its aspirations and its ideas. If an absolute majority is not attained at the first election, a second takes place, where only the two candidates having the most votes can be voted for. The Liberal party, numerically the weakest, had, therefore, the alternative of voting for Catholic or Socialists. The party divided, its more conservative members voting for the former, and the most advanced for the latter. In both cases there were no Liberals elected. Thus, if we may be allowed the expression, nothing remained for the Liberals except to choose the sauce with which they should be eaten. This situation was all the more irritating because with the obligatory vote they were obliged to participate in the preparation of the sauce. At last it appeared absolutely unsupportable. An extremely lively current of opinion became manifest in the midst of the Liberal party: as the Catholic party in power seemed infinitely more formidable than the Social party in the opposition, the Liberals began

to decide, however reluctantly, to vote for the opposition candidates. Treaties of alliance were formed. A committee composed of moderate Liberals and Progressists, called "the Alliance," proclaimed that such should be the general policy to be adopted. One of the Liberal chiefs of Brussels declared that he would rather make an alliance with the devil than to vote for the Catholics.

There was nothing in this attitude to disconcert the government and the majority, had they been certain to obtain in parliament a representation adequate to their electoral force in the country. This danger of coalition of the opposition is normal in a parliamentary régime. But given the district system of voting, it would have been enough for this coalition to succeed in one or two large districts to reduce the formidable majority of the government to a minority. The district of Brussels, for instance, elects eighteen representatives, and a change means a displacement of thirty-six votes in the chamber. And, as the seats attributed to each district must be, according to the constitution, proportional to their population, this situation could only grow worse, as the agricultural districts, generally faithful to the Catholics, see their population increase much less rapidly than the urban districts, particularly the large cities. As, on the other hand, the majority system gives all the seats to the party which has the absolute majority of votes, and none to the minority, one can see how the outcome of future elections was uncertain and how, in short, the powerful parliamentary majority of the Catholics was precarious. Thus, the necessity for reform was at length recognized by the Right as unanimously as it had been long since by the Left for different motives. But if the existing electoral system was universally condemned, there was no agreement as to what should replace it. As the danger arose in the large districts, a part of the Catholic press began to propose simply to divide them; certain journals demanded only the division of the Brussels district. But

how could this limitation be justified? The arguments which were good against Brussels were good against other districts. Furthermore, it was perceived that in the future similar causes would lead to a like situation in other places. Where should the line be drawn between large and small districts? The opposition denounced with the greatest energy the arbitrary character of this proposition, which deprived it of the only chance it had to overcome the ministry.

To avoid the reproach of being arbitrary, it was resolved to take a step forward and propose the abolition of the district system. The campaign was opened in the press in favor of an apportionment which should give one seat to each division. Instead of 41 districts, with the number of seats varying from 1 to 18, it was proposed that there should be 152 electoral divisions, each sending a single representative. Besides certain journals of the Right, some Liberal papers supported this plan. It was antagonized on the Right and on the Left by the adherents of proportional representation. The latter, in fact, gives equitable results only in large districts where there is a considerable number of seats to be distributed. The single vote system would have been an insuperable obstacle to its adoption. The only advantage of the single vote system was to furnish to the opposition a greater chance of electing its adherents through local and personal influences, but this advantage was offered in a much more complete fashion by proportional representation. It was not difficult for the partisans of the latter to demonstrate that the single vote plan might lead to results even more unjust than the district plan, that is, to gain a majority of seats to a minority of votes. Furthermore, it was reproached with degrading the level of elections by giving in each district a preponderance to local questions.

Furthermore, these projects were shattered like the sea against the rocks by an unsurmountable objection. How

could the "cutting up" of the districts be effected in an equitable fashion, that is to say, without party considerations? The adherents of the measure were challenged to produce an electoral geography which should satisfy everybody.

In spite of this, however, the system appeared at one time about to obtain the assent of the majority of the right, and it is said of the crown, when two members of the cabinet in favor of proportional representation, one of whom was the Prime Minister, retired. The direction of the cabinet devolved upon M. Van den Peerebom, who had been for fifteen years Minister of Railroads, an administrator of great capacity. But he was at the same time a man of extraordinary obstinacy and of overbearing brusqueness toward his adversaries. These personal defects were not without influence upon the course of events, as they contributed to exasperate the opposition. He undertook to establish a majority for a project based upon the single vote system. The negotiations lasted for a week, during which the political world was convulsed with an anxiety. It resulted in nothing but a compromise. It was necessary to come to an agreement of the adherents of proportional representation.

On the nineteenth of April, 1899, the ministry presented to the chamber an electoral law in which the actual districts were maintained. Proportional representation was established, but only for those districts which elected at least six representatives. The practical result of this project was obvious. The Catholic party having in general the majority in the small districts, was assured the preservation of these seats. But on the contrary, it obliged its adversaries to renounce the chance of obtaining the absolute majority of the votes and consequently all the seats in large districts, by establishing a proportional distribution in which the Catholics would certainly gain a certain number of seats. The evident injustice of the project aroused a formidable

resistance which was organized throughout the country. The Liberals, Progressists and Socialists united to reject it. The concentration of the opposition of forces which the government sought to avoid was accomplished with unanimity and completeness.

In the chamber the entire Left resolved to prevent by all means a vote upon the law. It announced to the ministry that it would not discuss the project and that it would make it impossible for the chamber to deliberate. In fact, when the moment for opening the discussion arrived, the obstruction commenced. The retreat in a body of the opposition not being sufficient, they had recourse to disorder. As soon as a speaker of the Right attempted to speak, cries and the beating of desks overpowered his voice. The Socialistic deputies even brought musical instruments, trumpets, horns, etc. As the rules of order of the chamber did not foresee such a case, these proceedings were permitted. For hours the deafening turmoil of the Labor deputies struggled with the patience and the obstinacy of the speakers, and Belgium's parliament had never seen such a spectacle.

At the same time the streets began to agitate. Demonstrations uniting citizens and laborers filled the streets, particularly those of the capital. In order to maintain order, the ministry brought from the province hundreds of mounted police. It was an irreparable fault. The brutality of these guardians of public order exasperated the population. Conflicts occurred, pistol-shots, and injuries. The situation became so serious at Brussels that it was called a revolution.

The ministry hesitated to maintain order by shedding blood, and announced the withdrawal of its project and the substitution for it of a project generalizing the application of proportional representation throughout the entire country. From one day to the next the popular excitement at the signal of the Labor deputies ceased. M. Van den Peerebom left the ministry with two of his colleagues, and the cabinet which took its place, directed by M. Smet de

Naeyer, presented on the eighth of August in the chamber the project which became the electoral law of December 29, 1899.

It was not without difficulty that the ministry obtained the requisite majority in the chamber. The adversaries of the reform were in fact numerous and resolute on the Right and gave it a terrible battle. They lost less because the proportional representation gained in adherents than because they were unable to devise a system of voting to replace the existing system with which all were discontented. On the Left, the governmental project had an unfortunate result: certain Liberals, convinced proportionalists, believed it to be their duty to vote for the law which established honestly and loyally a reform inscribed upon their program. The Socialists, on the contrary, even the proportionalists, only too glad to see a concentration of the opposition, not only voted against the law, but claimed that the engagements undertaken by the Liberals during the agitation against M. Van den Peereboom, constrained them to do likewise. A small group of Liberals shared these notions, and it was the occasion of most regrettable personal quarrels. As a result, the new law was voted by 65 Catholics and 5 Proportionalists Liberals, against 35 Catholics and 28 Socialists and Liberals.

VII.

Before explaining the workings of the new electoral law it seems advisable to meet certain objections to the principle and application of proportional representation.

The objection is made in the first place that it rests upon the confusion of ideas, that it mistakes the nature of *election*. An election is a *choice*. The electors in their districts choose among the citizens those whom they judge the best equipped for the functions in question. The number of votes obtained has always been regarded everywhere as the *indication* of the wish of the electors to consider one of the candidates as

the best, as the *elected*. In some cases a plurality of votes is deemed sufficient; in others an absolute majority is required. Proportional representation, therefore, in permitting the election of a candidate who obtains a smaller number of votes than another, mistakes the very nature of the election. It will no longer be, as has been claimed, "just." To all this it is very properly replied that the justice of proportional representation rests not upon the nature of the election, but in the object of the election. This is also a choice, but a choice of *representatives*. It being impossible for the people to decide themselves all the matters which concern them, the people delegate to representatives the functions of deciding in their name. Of necessity, the election should make the parliament the mirror, the photograph, the representation of the body of electors. But is it the case when the majority (the half plus one) of votes obtains all the seats and the minority none? The simplest notions of distributive justice, on the contrary, require the distribution of seats proportional to the groupings of the wishes of the electors, that is to say, parties. If indeed the majority system should always give the majority to the party which has the most votes! But the contrary frequently occurs. Proportionalism, only, assures the preponderance to the party which is numerically strongest, but subjects it to the control or supervision of the minority.

An objection of another kind was developed by the Catholics. Each party believes necessarily that its policy is best, that it is the truth. Each party aspires not only that the truth shall triumph, but that it shall not be continually beaten by its adversaries. Moreover, proportional representation gives to *error* the same rights as to *truth*. It ends in perpetuating error. One recognizes here the habits of thought of persons who believe themselves in possession of the absolute truth, and who in religious matters have established the dogma of the infallibility of the Pope. But is it necessary to refute a doctrine which in political matters at

least is an anachronism and a nonsense? It is the peculiar merit of proportional representation that it rises above this narrow and limited point of view. The only truths which the various parties proclaim are subjective and relative truths, and not absolute verities. Moreover, truth can only gain by being subjected to contradiction and to discussion.

Proportional representation was violently attacked "because it rendered all government impossible." We must understand here "party government." In fact, by giving to each minority its appropriate influence, it only diminishes that of the majority. Sometimes, indeed, it does away with the majority when the majority system would have assured it a preponderance. How can government be carried on in face of strong minorities, always ready to introduce coalitions? Furthermore, the system tends to the minute subdivision of parties. It incites schism in giving a special existence to the various groups, even the smallest. To all this it was replied that proportional representation only gives to each party the exact share of influence which rightfully belongs to it. If it is strong enough to obtain the majority, it will have it much more surely than with the majority régime. If, on the contrary, it does not obtain a majority of the seats, it is because it does not represent the majority of the votes, and in such a case it would be unjust to give it the preponderance. The cohesive force of a party does not depend upon its representation in parliament, but on its internal constitution. Subdivision is produced in all systems of voting when a party has no longer the discipline, or the convictions of its doctrines, or belief in the propriety of the interests which it represents, or the respect for its leaders. Without doubt, under proportional representation the heyday of that party politics which consists in ruling with violence and cynicism, like ignoble victors who crush the vanquished, will have disappeared, but who will regret it. It is a singular thing that those who reproach proportional representation

with subdividing parties, also accuse it of rendering the majorities immutable of "stereotyping" them, as it is said. The fact is that brusque changes will be less to be feared, since the large variations in the number of votes in the majority system are abolished. But is that a reason for believing it to be the death of all political life? The contest will be, on the contrary, more intense for those seats upon which depends the fate of the party in power.

VIII.

The mechanism of the legislative elections in Belgium is naturally somewhat complicated. It is not possible to explain it here in all its details. Thus the greatest complication which arises from the fact that with a view to avoid bye elections (in case of the death of a deputy, for example) the law provides for the election at the same time with the incumbents, of alternate candidates who can only take the place of the former in case of death or resignation. I shall omit all reference to those alternates.

The operations of the election can be divided into the following groups: (1) The preparatory operations; (2) the voting; (3) the distribution of the seats to the different lists; (4) the determination of those elected on each list.

1. In the first place the candidates must be nominated fifteen days in advance of the election. This nomination is made by the signatures of 100 electors accompanying each list of candidates. The sponsors who make out the lists determine the order of preference of their candidates: thus each party is free to determine in advance which are the best of its candidates which it desires to have elected. Numbers are given to each list by lot to determine its order on the ballot. The ballots are then printed at the expense of the public authority, which have at the head of each list and also at the side of the name of each candidate, a black square, in the centre of which there is a white point.

2. The ballot is given by the presiding officer of the polling-booth to each voter. The latter receives one, two or three identical ballots, according to the rights conferred on him by the law. In each voting place there are a certain number of compartments isolated by wooden screens where the voter blackens with a pencil or with a stamp the white part of the black square.¹ Then he places in the presence of the officers his ballot or ballots in the ballot-box.

The voter can blacken but a single point; either at the head of the list or opposite one of the names. In the first case he votes for the list; that is to say, he adheres to this list and also to the order in which it has been prepared. If that list has eventually the right to one seat, the elector

SAMPLE BALLOT.¹

1	2	3
Colin	Delcampo	Amman
Delval, Jean	Ducange	Debois
Geirts	Bermand	Verbois
Mabille	Jacques	
Nelson	Linsack	
Nick	Maenhout	
Pepin	Niemand	
Uyterelst		

thus indicates that this seat shall be given to the first name; if it has two, to the first two, and so on. If he blackens one of the points opposite the name of a candidate, he gives his vote first for the list, in order to determine the "electoral figure," but the elector indicates further that he wishes to modify the order of preference of the list so that if it should have the right to a seat, it should be given to the candidate for whom he has voted.

Why should the elector vote for only one name in the list? It was put in this way to equalize the electoral power of all voters. Under the former régime there was an unjust inequality between the power of the elector in the small district and that in the large district. While with his single vote the elector in Brussels controls eighteen seats, the elector of a small town controls but one. It was desired to abolish this anomaly, and at the same time it was said to the adherents of the single vote system: "The new law should satisfy you. It establishes in fact the single vote, but instead of a physical division of the district, there is an ideal division into as many electoral districts as there are seats to be conferred." At the same time it satisfied the needs of proportional representation. It should be said, however, that this limitation of a vote to a single name is not a condition of proportional representation.

3. The vote being completed, it is necessary to determine the electoral figure for each list. This figure is obtained by adding all the ballots bearing a vote in each list either at the head or subsequently. This figure indicates the electoral force of each party, because it comprises all the votes for the list as given, as well as those which approve the list but seek to modify the order. The question then arises to divide the seats proportionally to this electoral figure. It is here, properly speaking, that proportional representation is realized. The rule adopted by the Belgian law, among many other systems which have had their adherents, is that of M. d'Hondt, also called that of the Common

Divisor. The electoral figure of each of the lists is divided successively by one, two, three, four, five, etc., and the quotients are arranged in the order of their importance until a number of quotients is obtained equal to that of the numbers to be elected. The last quotient is the electoral divisor. The distribution among the lists is effected by giving to each as many seats as its electoral figure contains this divisor.

Suppose, for example, three lists whose electoral figures are as follows: Catholics, 24,000 votes; Liberals, 12,824 votes, and Socialists, 15,000 votes. We then have:

	Catholics.	Liberals.	Socialists.
Division by one . . .	24,000	12,824	15,000
Division by two . . .	12,000	6,412	7,500
Division by three . .	8,000	4,274	5,000
Division by four . . .	6,000	3,206	3,725

Suppose that there are seven seats to be distributed. The quotients will be arranged in the following order: (1) 24,000 Catholic, (2) 15,000 Socialist, (3) 12,824 Liberal, (4) 12,000 Catholic, (5) 8,000 Catholic, (6) 7,500 Socialist, (7) 6,412 Liberal. This last quotient is the electoral divisor which is contained three times in the electoral figure of the Catholic list, and twice in that of each of the other lists.

Such is the method employed. It is not here the place to discuss its merits. It is sufficient to say that it has met the test of experience for four years in our communal elections, and that it has shown itself at once practical, simple, and sufficiently just. It is certainly superior to the system of forced fractions which was employed at one time in Switzerland. If a list contains more seats than it has candidates, the seats not distributed are added to those coming from the other lists.

4. Knowing the number of seats to be given to each list, it remains to determine among the candidates who shall

have the right to occupy them. When the number of candidates of a list is equal to that of the seats to which it is entitled, the candidates are all elected. If the number of candidates is larger, the seats are given to the candidates who have obtained the greatest number of votes. To obtain this number, as many list votes are assigned to the first name as will insure it the electoral divisor, the list votes remaining are assigned to the second, third and fourth following names until they are exhausted. When this process is completed, the names having the largest number of votes are selected.¹ Should the number of candidates be too small, the alternate candidates can take the places of the regular candidates who are missing.

IX.

Such is the history of the political struggles which have led in Belgium to the introduction of proportional representation. Though they concern only the electoral mechanism, it is certain that this reform is of the nature to profoundly modify, from the top to the bottom, our political system and the attitude of all our parties. Experience which will only begin with the present month (May, 1900) can only show whether the reform will open, as many hope, a new era of calm and sane politics in which the parliamentary régime will be originated.

In any case I think that the electoral reform will begin by strengthening the government majority, and that for a time the length of which no one can measure. The authors of the reform have labored, no doubt, not only for the good of Belgium, but for the good of their party.

ERNEST MAHAIM.

University of Liège, Belgium.

¹ Suppose the electoral divisor to be 10,000, and that a given party entitled to 4 seats has received 20,000 list votes and individual votes as follows: A, 4,000, B, 3,000, C, 4,000, D, 5,000, and E, 10,000. A's vote is brought up by distributing the list votes to 10,000, B also has 10,000. A having received 6,000, and B 7,000, there are 7,000 remaining sufficient to bring C's vote to 10,000, and leave 1,000 for D. The vote race stands—A, 10,000, B, 10,000, C, 10,000, D, 6,000, and E, 10,000. In this case D fails of election and the seats are given to the other four candidates.